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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/639,143	08/11/2003	Yanon Volcani	11CF-123022	7036
30764 7590 06/02/2009 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP 333 SOUTH HOPE STREET 48TH FLOOR LOS ANGELES, CA 90071-1448				
EXAMINER				
VO, HUYEN X				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/639,143

Applicant(s)

VOLCANI ET AL.

Examiner

HUYEN X. VO

Art Unit

2626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/11/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection in view of Subasic et al. (USPN 6721734), necessitated by claim amendment.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Subasic et al. (USPN 6721734).

4. Regarding claim 1, Subasic et al. disclose a computer program stored on a computer readable memory (*within computer system of figure 1*) comprising:

a vocabulary database (*affect lexicon database 104 in figure 2*) comprising machine readable data corresponding to a plurality of vocabulary words and a lexical impact value respectively corresponding to each vocabulary word for a chosen lexical impact scale (*affect lexicon database 104 in figure 2 includes words with associated scores; or referring to col. 3, lines 32-54*);

comparison instructions comprising machine readable instructions for comparing a plurality of text words of a writing to the vocabulary database to determine lexical impact values for the chosen lexical impact scale for each text word that corresponds to vocabulary words as output data for users to assess the lexical impact values of words (*fuzzy semantic tagging 112 in figure 2 compares processed input text to words listed in affect lexicon 104; or referring to col. 3, lines 32-36; referring to col. 12, lines 39-67 for displaying the result for users to assess the lexical impact values of words*); and

output instructions comprising machine readable instructions for outputting the lexical impact value of the text words for the chosen lexical impact scale that correspond to vocabulary words as output data (*referring to col. 12, lines 39-67 for displaying the result for users to assess the lexical impact values of words*);

wherein the lexical impact is determined independently of a denotative meaning of the word and independently of a contextual meaning of the word (*col. 6, line 37 to col. 7, line 50; these words in the affect lexicon and associated fixed scores are selected independently of denotative meaning of the word and independently of a contextual meaning of the word. In other words, the scores are fixed values and are not changed*).

5. Regarding claims 2-5 and 14, Subasic et al. further disclose the computer program of claim 1, wherein the output instructions further comprise machine readable instructions for outputting an overall lexical impact value of the text words in the writing for the chosen lexical impact scale (*referring to col. 6, line 37 to col. 7, line 50*), wherein the overall lexical impact value is the average lexical impact value of the text words for

the chosen lexical impact scale (*col. 5, lines 10-19*), wherein the average lexical impact value is a per word value averaged over the entire writing (*col. 5, lines 10-19*), wherein the average lexical impact value is a per word value averaged over a portion of the writing (*col. 5, lines 10-19*), and wherein the computer program is configured to operate over a website interface (*col. 3, lines 12-17*).

6. Regarding claims 6-10, Chase further discloses the computer program of claim 3, further comprising comparison instructions including machine readable instructions for comparing the average lexical impact value for the chosen lexical impact scale to a predetermined lexical impact threshold value (*fuzzy threshold 170 in figure 4*), further comprising generating a visual display, perceivable by the author, indicative of exceeding a predetermined lexical impact average threshold value (*col. 12, lines 38-67*).

7. Regarding claim 15, Subasic et al. disclose a computer program stored on a computer readable memory (*within computer system of figure 1*) comprising:

a thesaurus database (*affect lexicon database 104 in figure 2*) comprising machine readable data corresponding to thesaurus groupings and rankings for each thesaurus grouping, with respect to a plurality of lexical impact scales (*col. 4, lines 13-52; centrality score indicates the ranking or how related the word is to a particular category*);

input instructions comprising machine readable instructions for receiving a requested text portion for a chosen lexical impact scale (*input text document 100 in figure 2*);

retrieval instructions comprising machine readable instructions for retrieving a thesaurus grouping corresponding to the requested text portion (*col. 6, line 57 to col. 7, line 44*); and

output instructions comprising machine readable instructions for outputting the thesaurus grouping including potential replacement words and corresponding rankings (*col. 9, line 56 to col. 10, line 67, expand query using thesaurus*);

wherein the lexical impact is determined independently of a denotative meaning of the word and independently of a contextual meaning of the word (*col. 6, line 37 to col. 7, line 50; these words in the affect lexicon and associated fixed scores are selected independently of denotative meaning of the word and independently of a contextual meaning of the word. In other words, the scores are fixed values and are not changed*).

8. Regarding claims 16-17, Chase further discloses the computer program of claim 11, wherein the thesaurus grouping only includes potential replacement words from the chosen lexical impact scale (*col. 9, line 56 to col. 10, line 67, expand query using thesaurus*), wherein the thesaurus grouping only includes potential replacement words that have a positive valence with respect to the chosen lexical impact scale (*col. 9, line 56 to col. 10, line 67, expand query using thesaurus*).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subasic et al. (USPN 6721734) in view of Chase (USPN 6332143).

11. Regarding claim 18-22, Subasic et al. fail to specifically disclose that the thesaurus grouping includes zero valence substitutions, wherein the thesaurus grouping includes out-of-scale substitutions, wherein the potential replacements are sorted by valence, wherein the potential replacements are also sorted alphabetically, wherein the thesaurus database further comprises machine readable data corresponding to homonym groupings and aural impact rankings for each homonym grouping.

However, Chase teaches wherein the thesaurus grouping includes zero valence substitutions (*col. 9, line 56 to col. 10, line 67, expand query using thesaurus*), wherein the thesaurus grouping includes out-of-scale substitutions (*col. 9, line 56 to col. 10, line 67, expand query using thesaurus*), wherein the potential replacements are sorted by valence (*col. 9, line 56 to col. 10, line 67, expand query using thesaurus*), wherein the potential replacements are also sorted alphabetically (*col. 13, lines 49-65, ranking ordered list*), wherein the thesaurus database further comprises machine readable data

corresponding to homonym groupings and aural impact rankings for each homonym grouping (*referring to different categories in table 2*).

Since Subasic et al. and Chase are analogous in the art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Subasic et al. by incorporating the teaching Chase in order to improve text analysis accuracy.

12. Claims 11-13 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Subasic et al. (USPN 6721734) in view of Chase (USPN 6389425).

13. Regarding claims 11-13, Subasic et al. fail to specifically disclose the computer program of claim 10, wherein each word that exceeds the predetermined lexical impact threshold value is highlighted within the writing, wherein the words are highlighted by a variation in the color of the text words, wherein the words are highlighted by a variation in the color of the text words. However, Chase teaches wherein each word that exceeds the predetermined lexical impact threshold value is highlighted within the writing (*col. 11, lines 30-50*), wherein the words are highlighted by a variation in the color of the text words (*col. 11, lines 30-50*), wherein the words are highlighted by a variation in the color of the text words (*col. 11, lines 30-50*).

Since Subasic et al. and Chase are analogous in the art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art

at the time of invention to modify Subasic et al. by incorporating the teaching Chase in order to provide the user with more visual effects of the analysis.

14. Regarding claims 23-24, Subasic et al. fail to specifically disclose the computer program of claim 18, wherein each word that includes undesirable aural effects is highlighted within the writing, wherein the words are highlighted by a variation in the color of the text words. However, Chase teaches wherein each word that includes undesirable aural effects is highlighted within the writing (*col. 11, lines 30-50*), wherein the words are highlighted by a variation in the color of the text words (*col. 11, lines 30-50*).

Since Subasic et al. and Chase are analogous art because they are from the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Subasic et al. by incorporating the teaching Chase in order to provide the user with more visual effects of the analysis.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN X. VO whose telephone number is (571)272-7631. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/639,143

Page 10

Art Unit: 2626

Primary Examiner, Art Unit 2626
